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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 05-22285-CIV-GOLD

GUSTAVO A. MORALES

Plaintiff,

v.

CITIGROUP f/k/a THE NATIONAL CITY BANK OF NEW YORK,

Defendant.

AGREED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT

Defendant, Citigroup, Inc. ("Citigroup"), moves for an enlargement of time of thirty (30) days, up through and including December 1, 2005, to respond to Plaintiff's Complaint and in support thereof states as follows:

- 1. This action was filed on August 17, 2005, and this is the first enlargement sought by Citigroup.
- 2. The parties have made initial contact to explore the possibility of resolving the case, but have been unable to do so due to work interruptions resulting from Hurricane Wilma.
- Citigroup therefore requests an additional 30 days to answer the complaint, up to and including December 1, 2005.
- 4. This motion is not interposed for the purpose of delay, but to ensure that Citigroup has adequate time to formulate its response to the Complaint. Plaintiff

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will not be prejudiced by this Court granting the request for an enlargement of time for Citigroup to respond to the Complaint.

WHEREFORE, Defendant Citigroup respectfully requests entry of an Order enlarging the time to respond to the Complaint, up until and including December 1, 2005.

CERTIFICATE OF COUNSEL

Undersigned counsel contacted counsel for the Plaintiff who indicated that he does not have any objection to the relief sought in the present motion.

Dated: November 2, 2005.

Respectfully submitted,

/s/ Elena M. Marlow

ASTIGARRAGA DAVIS MULLINS & GROSSMAN, P.A.

José I. Astigarraga & Elena M. Marlow Fla. Bar No. 263508 & 139858 701 Brickell Avenue, 16th Floor Miami, Florida 33131 Tel:(305) 372-8282 Fax:(305) 372-8202

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to **Omar Ortega, Esq.**, Dorta & Ortega, P.A., 2222 Ponce de Leon Blvd., Suite 306, Coral Gables, FL 33134 this 2nd day of November 2005.

/s/ Elena M. Marlow
Elena M. Marlow

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 05-22285-CIV-GOLD

GUSTAVO A. MORALES,	
Plaintiff,	
v.	
CITIGROUP f/k/a THE NATIONAL CITY BANK OF NEW YORK,	
Defendant	
ORDER GRANTING CITIGROUP'S AGREED MOTION FOR ENLARGEMENT OF TIMETO RESPOND TO THE COMPLAINT	
THIS CAUSE came before the Court upon Citigroup's Agreed Motion for Enlargement of Time	
to Respond to the	Complaint. The Court having read and considered the Motion, and otherwise being
fully advised in the premises, it is hereby ORDERED AND ADJUDGED that:	
1.	Citigroup's Motion for Enlargement of Time to Respond to the Complaint is
·	GRANTED.
2.	Citigroup shall have up through and including December 1, 2005 to respond to the

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida this day of November, 2005.

ALAN S. GOLD United States District Judge Southern District of Florida

Copies furnished to: José I. Astigarraga, Esq. Omar Ortega, Esq.

Complaint.